



CITY OF SANTA BARBARA

CITY COUNCIL MINUTES

REGULAR MEETING

May 11, 2010

COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Helene Schneider called the meeting to order at 2:01 p.m. (The Finance Committee met at 12:00 noon, and the Ordinance Committee met at 12:30 p.m.)

PLEDGE OF ALLEGIANCE

Mayor Schneider.

ROLL CALL

Councilmembers present: Frank Hotchkiss, Grant House, Michael Self, Bendy White, Das Williams, Mayor Schneider.

Councilmembers absent: Dale Francisco.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, City Clerk Services Manager Cynthia M. Rodriguez.

PUBLIC COMMENT

Speakers: Ruth Wilson; Kate Smith; Mike Jordan, Santa Barbara High School Theatre Program; Otto Layman, Santa Barbara High School Theatre Program; Geoff Hahn, Santa Barbara High School Theatre Program; Jana MacIntyre, Santa Barbara High School Theatre Program; Paul Zink.

CONSENT CALENDAR (Item Nos. 1 – 8)

The titles of the ordinance and resolution related to the Consent Calendar were read.

Motion:

Councilmembers House/Williams to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote (Absent: Councilmember Francisco).

1. Subject: Adoption Of Ordinance For Architectural Board Of Review 2010 Membership Provisions (640.03)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 22.68.010 of Chapter 22.68 of Title 22 of the Santa Barbara Municipal Code Relating to the Composition of the Architectural Board of Review and Transitioning the Board from Nine Members to Seven Members.

Action: Approved the recommendation; Ordinance No. 5519.

2. Subject: Grant Funding For Construction Of Tallant Road Bridge Steelhead Migration Barrier Removal And Mission Creek Restoration (540.14)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Parks and Recreation Director to Accept Grant Funds from, and Execute a Grant Agreement for \$397,000 with, the California Department of Fish and Game Fisheries Restoration Grant Program for the Mission Creek Fish Passage Project at the Tallant Road Bridge;
- B. Accept \$250,000 in grant funds from the National Oceanic and Atmospheric Administration Open Rivers Initiative Grant Program for the Mission Creek Fish Passage and Creek Restoration Project at the Tallant Road Bridge; and
- C. Increase the appropriation and estimated revenue by \$647,000 in the Creeks Division Capital Fund for the Mission Creek Fish Passage and Creek Restoration Project at the Tallant Road Bridge.

Action: Approved the recommendations; Resolution No. 10-027 (May 11, 2010, report from the Parks and Recreation Director; proposed resolution; May 10, 2010, letter from Paula Westbury).

3. Subject: Contract For Construction Of The Santa Barbara Airport Airline Terminal Baggage Handling System (560.04)

Recommendation: That Council:

- A. Reject the bid of the apparent low bidder, Automatic Systems, Inc. (ASI), for the Santa Barbara Airport Airline Terminal Baggage Handling System Project (Project), Bid No. 3610, as non-responsive due to bid irregularities;
- B. Award a contract with The Horsley Company, LLC (Horsley), in their low bid amount of \$810,507.86, for construction of the Project; and

(Cont'd)

3. (Cont'd)

- C. Authorize the Public Works Director to approve expenditures up to \$121,000 to cover any cost increases that may result from contract change orders for extra work and differences between estimated bid quantities and actual quantities measured for payment.

Action: Approved the recommendations; Contract No. 23,418 (May 11, 2010, report from the Public Works Director; May 10, 2010, letter from Paula Westbury).

4. Subject: Purchase Order For Bathymetric Survey Of Gibraltar Reservoir (540.09)

Recommendation: That Council authorize the General Services Manager to issue a Purchase Order to MNS Engineers, Inc. (MNS), in the amount of \$28,535 for professional services to perform a bathymetric survey of Gibraltar Reservoir (Reservoir), and approve expenditures of \$2,850 for extra services that may result from necessary changes in the scope of work for a total of \$31,385.

Action: Approved the recommendation (May 11, 2010, report from the Public Works Director; May 10, 2010, letter from Paula Westbury).

5. Subject: Capital Improvement Projects Third Quarter Report For Fiscal Year 2010 (230.01)

Recommendation: That Council receive a report on the City's Capital Improvement Projects (CIP) for the Third Quarter of Fiscal Year 2010.

Action: Approved the recommendation (May 11, 2010, report from the Public Works Director; May 10, 2010, letter from Paula Westbury).

NOTICES

6. The City Clerk has on Thursday, May 6, 2010, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
7. A City Council site visit is scheduled for Monday May 17, 2010, at 1:30 p.m. to the property located at 1464 La Cima Road, which is the subject of an appeal hearing set for May 18, 2010, at 2:00 p.m.
8. Received a letter of resignation from Rental Housing Mediation Task Force Member Joshua Allen; the vacancy will be part of the next City Advisory Groups recruitment.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Das Williams reported that the Committee met to review the Fiscal Year 2011 Recommended Budget where they discussed proposed rate increases for a number of departments.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Bendy White reported that the Committee met to review two items related to the Conejo Landslide. These items included an expansion of the area that can be developed as a result of a more-detailed study and some minor changes to the ordinance outlining the types of projects that can be developed near the slide, which were approved unanimously. The Committee also recommended approval of an ordinance to allow a historic structure of merit to be redeveloped in the area, which was approved on a split vote.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

9. Subject: Parking And Business Improvement Area Annual Assessment Report, Fiscal Year 2011 - Intention To Levy (550.10)

Recommendation: That Council:

- A. Approve the Fiscal Year 2011 Parking and Business Improvement Area (PBIA) Annual Assessment Report;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Council's Intention to Levy Parking and Business Improvement Area Assessment Rates for the 2011 Fiscal Year, at a Public Hearing to be Held on May 25, 2010, at 2:00 p.m.; and
- C. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 4.37 of the Santa Barbara Municipal Code by Establishing New Business Categories and Revising Rates of Assessment for Specified Categories of Business of the Downtown Parking and Business Improvement Assessment District Established by City Ordinance No. 4179, Adopted on September 3, 1991, Pursuant to the Requirements of Parking and Business Improvement Area Law of the 1989 California Streets and Highways Code Sections 36500-36551.

Documents:

- May 11, 2010, report from the Public Works Director.
- May 11, 2010, proposed Resolution.
- May 11, 2010, proposed Ordinance.
- May 11, 2010, PowerPoint presentation prepared and made by staff.
- May 10, 2010, letter from Paula Westbury.

(Cont'd)

9. (Cont'd)

Speakers:

- Staff: Transportation Manager Browning Allen.
- Downtown Parking Committee: Chair Randy Rowse.

Motion:

Councilmembers White/House to approve the recommendations A and B, and to introduce the Ordinance with amendments to Section 1, Group D relating to theaters; Resolution No. 10-028.

Vote:

Majority roll call vote (Noes: Councilmember Self; Absent: Councilmember Francisco).

City Administrator Armstrong left the meeting at 2:52 p.m. Assistant City Administrator Paul Casey was present at the meeting.

PUBLIC HEARINGS

10. Subject: Appeal Of The Planning Commission Approval Of 825 De La Vina Street (640.07)

Recommendation: That Council deny the appeal of Donald Sharpe and uphold the Planning Commission decision to approve the Tentative Subdivision Map for a mixed-use development of seven condominiums, making the findings and subject to the Conditions of Approval in Planning Commission Resolution 002-010.

Documents:

- May 11, 2010, report from the Assistant City Administrator/Community Development Director.
- Affidavit of Publication.
- May 11, 2010, PowerPoint presentation prepared and made by staff.
- May 10, 2010, letter from Paula Westbury.

Public Comment Opened:

2:53 p.m.

Speakers:

- Staff: Assistant Planner Kelly Brodison, Associate Transportation Planner Chelsey Swanson, Supervising Transportation Planner Steven Foley, Senior Planner II Danny Kato.
- Planning Commission: Commissioner John Jostes.
- Architectural Board of Review: Member Paul Zink.
- Appellant: Donald Sharpe, Susan Basham, Jim Westby.
- Applicant: Keith Rivera, Acme Architecture; Derek Westen.

(Cont'd)

10. (Cont'd)

Recess: 4:15 p.m. - 4:25 p.m.

Speakers (Cont'd):

- Members of the Public: Judy Lawrence; Bill Mahan; Kellam de Forest; Don Elconin; Scott Miners, Melchori Investments; Norm Popp, property owner; Jeff Radebe, co-owner.

Public Comment Closed:
4:45 p.m.

Motion:

Councilmembers Williams/House to deny the appeal with the following conditions:

1. Require the Architectural Board of Review to review the parapet to ensure that it is high enough to screen the solar; and
2. Require the applicant to work with City staff to develop a questionnaire for the residents at the three-year mark to determine if the lifts are being used, and the pros and cons; and

Request the Architectural Board of Review to review the curbing to protect the landscaping of the project.

Vote:

Majority voice vote (Noes: Councilmembers Hotchkiss, Self; Absent: Councilmember Francisco).

RECESS

Mayor Schneider recessed the meeting at 6:03 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 11 - 14, and stated that no reportable action is anticipated. City Administrator Armstrong was present when the Council reconvened in closed session. Assistant City Administrator Casey was absent.

CLOSED SESSIONS

14. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with the Police Officers Association, the Police Managers Association, the General Bargaining Unit, the Treatment and Patrol Bargaining Units, the Firefighters Association, and the Hourly Bargaining Unit, and regarding discussions with unrepresented management and confidential employees about salaries and fringe benefits.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

(Cont'd)

14. (Cont'd)

Documents:

May 11, 2010, report from the Assistant City Administrator.

Time:

6:10 p.m. - 7:07 p.m. Councilmember Francisco was absent.

Councilmember Williams left the meeting at 6:55 p.m.

No report made.

13. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is City of Santa Barbara v. Melchiori Construction Company, et al., SBSC Case No. 1340583.

Scheduling: Duration, 5 minutes; anytime

Report: None anticipated

Documents:

May 11, 2010, report from the City Attorney.

Time:

7:10 p.m. - 7:35 p.m. Councilmembers Francisco and Williams were absent.

No report made.

11. Subject: Conference With Real Property Negotiators - Lower Westside Center (330.03)

Recommendation: That Council hold a closed session to consider instructions to its negotiators regarding the possible purchase of real property located at 508 Coronel Place, Santa Barbara, California, Assessor's Parcel No. 037-144-002. The owner of the real property is the Della B. Mitchell Trust dated February 12, 2003. Negotiations are held pursuant to the authority of California Government Code Section 54956.8. The City's negotiators are Nancy Rapp, Parks and Recreation Director, and representatives of the City Attorney's Office. The negotiator for the owner is Lee Rousseau. Under negotiation: Price and terms of sale of a possible purchase of real property.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

(Cont'd)

11. (Cont'd)

Documents:

- May 11, 2010, report from the Parks and Recreation Director and City Attorney.
- May 10, 2010, letter from Paula Westbury.

Time:

7:35 p.m. - 7:55 p.m. Councilmembers Francisco and Williams were absent.

No report made.

12. Subject: Conference With Legal Counsel - Anticipated Litigation (160.03)

Recommendation: That Council hold a closed session to consider initiation of litigation pursuant to Subsection (c) of Section 54956.9 of the Government Code (one potential case).

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

May 11, 2010, report from the City Attorney.

Time:

7:55 p.m. - 8:50 p.m. Councilmembers Francisco and Williams were absent.

No report made.

ADJOURNMENT

Mayor Schneider adjourned the meeting at 8:50 p.m. to Monday, May 17, 2010, at 1:30 p.m. at 1464 La Cima Road.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

HELENE SCHNEIDER
MAYOR

ATTEST: _____
CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER